

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MEMPHIS STREET ACADEMY  
CHARTER SCHOOL AT J.P. JONES,  
et al.,

*Plaintiffs,*

v.

SCHOOL DISTRICT OF  
PHILADELPHIA,

*Defendant.*

CIVIL ACTION

No. 22-02760

**ORDER**

AND NOW, this 15th day of June 2023, upon consideration of Defendant's Motion to Dismiss (ECF No. 36), Plaintiffs' Response (ECF No. 37), Defendant's Reply (ECF No. 38), and Plaintiffs' Sur-Reply (ECF No. 39), it is hereby **ORDERED** that:

1. Defendant's Motion to Dismiss is **GRANTED in part** and **DENIED in part**;
2. Counts II and IV are **DISMISSED**; and
3. Defendant must file an Answer as to Counts I and III by **July 10, 2023**.

**BY THE COURT:**

**/s/ Chad F. Kenney**

**CHAD F. KENNEY, JUDGE**